

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

COMPLAINT

DCTN: 2011 CRW 2771

LKUP# 36

Case # L-56

SUPERIOR COURT OF
THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

District of Columbia ss:

Defendant's Name:

Albrecht G. Muth (also known as Count Albi)

448-998

11-117-722

(First)

(MI)

(Last)

(PDID)

(CCNO)

FILED

Address:

Q Street NW, Washington, D.C.

Albrecht G. Muth, also known as Count Albi, within the District of Columbia, with the intent to kill another and to inflict serious bodily injury on another and with a conscious disregard of an extreme risk of death or serious bodily injury to another, caused the death of Viola Drath by strangulation and blunt force trauma on or about August 12, 2011, thereby causing injuries from which Viola Drath died on or about August 12, 2011. (Second Degree Murder, in violation of 22 D.C. Code, Section 2103 (2001 ed.))

Subscribed and sworn to before me this 16th day of August, 2011.

Affiant's Name

(Judge)

(Deputy Clerk)

WARRANT

To The United States Marshal or any other authorized federal officer or the Chief of Police of the District of Columbia:

WHEREAS the foregoing complaint and affidavit supporting the allegations thereof have been submitted, and there appearing probable cause and reasonable grounds for the issuance of an arrest warrant for Albrecht Gero Muth (also known as Count Albi), for Second Degree Murder

YOU ARE THEREFORE COMMANDED TO BRING THE DEFENDANT BEFORE SAID COURT OR OTHER PERSON ENUMERATED IN 18 U.S.C.3041 forthwith to answer said charge.

Issued

8/16/11

Judge - Superior Court of the District of Columbia

Rule 105: []

Judge

Sex: Male	DOB: 05/10/1964	CCN: 11-117-722	PDID: 448-998
Papering Officer: Detective K. Giannakoulis	Badge No.: D1-1264		

OFFICER MUST EXECUTE RETURN

Officer's Name:

D1-1264

Date / Time:

8-19-11 @ 1:30 PM

AUSA Signature:

Fel. I AFTC Fel. II

[X] [] []

Superior Court of the District of Columbia
CRIMINAL DIVISION

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

USW NO.:

DEFENDANT'S NAME: Muth, Albrecht Gero					NICKNAME:		ALIASES: Count Albi		CCN: 11-117-722	PDID: 448-998
SEX: M	RACE: W	DOB: 5/10/1964	HGT: 6'0"	WGT: 185	EYES: Brown	HAIR: Black	COMPL: Light	SCARS, MARKS, TATOOS		
DEFENDANT'S HOME ADDRESS: [REDACTED] Q Street, Northwest, Washington, D.C.							TELEPHONE NUMBER: Unknown			
DEFENDANT'S BUSINESS ADDRESS: Not Employed							TELEPHONE NUMBER: N/A			
COMPLAINANT'S NAME: DECEASED Viola DRATH							TELEPHONE NUMBER: N/A			
LOCATION OF OFFENSE: 3206 Q Street, Northwest, Washington, D.C.							DATE OF OFFENSE: August 12, 2011		TIME OF OFFENSE: 8:18 a.m. (discovered)	
CAUTION AND MEDICAL CONDITIONS (CMC) Select a valid CMC code below for wanted person when using the caution indicator.										
<input checked="" type="checkbox"/> x_00 = Armed and Dangerous					<input type="checkbox"/> 55 = Alcoholic					
<input type="checkbox"/> 05 = Violent Tendencies					<input type="checkbox"/> 60 = Allergies					
<input type="checkbox"/> 10 = Martial Arts Expert					<input type="checkbox"/> 65 = Epilepsy					
<input type="checkbox"/> 15 = Explosive Expertise					<input type="checkbox"/> 70 = Suicidal					
<input type="checkbox"/> 20 = Known to abuse drugs					<input type="checkbox"/> 80 = Medication Required					
<input type="checkbox"/> 25 = Escape Risk					<input type="checkbox"/> 85 = Hemophiliac					
<input type="checkbox"/> 30 = Sexually Violent Predator					<input type="checkbox"/> 90 = Diabetic					
<input type="checkbox"/> 50 = Heart Condition					<input type="checkbox"/> 01 = Other					
GIVE BRIEF DESCRIPTION OF WHAT HAPPENED:										

On Friday, August 12, 2011, at 8:18 a.m., members of the Metropolitan Police Department's Second District responded to 3206 Q Street, Northwest, Washington, DC, for the report of an unconscious person. Once on the scene, officers located the decedent, 91-year-old Viola Drath, unconscious and lying on the floor of the bathroom located on the second floor of the home, a two-story row house owned by the decedent. Members of the DC Fire Department responded to the scene and found no signs consistent with life. Accordingly, they left the decedent's remains on the scene. The decedent was dressed in a black shirt and beige underwear. The decedent was pronounced dead at 12:22 p.m. by MLI/PA Michelle Mack, and her remains were transported to the Office of the Chief Medical Examiner ("OCME") for the District of Columbia pending an autopsy. Prior to transport, the decedent's remains were inspected by an OCME Forensic Investigator who photographed them and reported observations to Deputy Medical Examiner Carolyn Revercomb, who based on her expertise and that report, supplemented by her own subsequent observations at autopsy, estimated that the victim had most likely died within twelve hours of 11:20 a.m., the time of preliminary examination by the Forensic Investigator.

Later the same evening, the Washington Post received an email from a sender identified as Albrecht Muth providing an obituary as to the decedent. The decedent's 47-year-old husband (hereinafter referred to as "the defendant") went by that name. In the emailed obituary, the decedent was referred to as having died after "sustaining a head injury from a fall."

On Saturday August 13, 2011, Dr. Revercomb performed an autopsy on the decedent's remains. During the autopsy, Dr. Revercomb noted several injuries to the decedent's body, including, but not limited to, bruising and abrasions of the neck, bruising to the scalp, fractured anterior neck cartilage, petichial hemorrhages in both eyes, fractured ribs, and a torn right thumb nail. Dr. Revercomb concluded that the decedent's death was caused by strangulation and blunt force injuries and ruled the decedent's death a HOMICIDE.

Later that same day, detectives interviewed the defendant after he voluntarily came to the Homicide Branch. The interview was recorded. The course of the interview is summarized below, in pertinent part.

* The defendant indicated that he and the decedent lived together as the only two occupants of 3206 Q Street, Northwest, Washington, DC. The defendant said he has been married to the decedent for more than 20 years.

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* The defendant reported that he was with the decedent up until 4:00 p.m., on Thursday, August 11, 2011, when he left the residence to meet a friend. The defendant refused to provide the name of the friend with whom he claimed to meet. The defendant claimed that he returned home around 9:45 p.m. that night. After returning home, the defendant said that he did not see the decedent, indicating that he entered through the basement door of the house. The defendant claimed that he then got something to drink and went to the second level of the house to his study. The defendant said that the second level of the house consists of two studies, two full bathrooms, and their bedroom. The defendant's study overlooks the 3200 block of Q Street, NW. The defendant said he entered his study and utilized his computer to check his emails. The study is located directly next to the bathroom where the decedent's body was found. After checking his emails, the defendant claimed that he went back to the basement and went for his evening walk for approximately one hour. Upon his return to the house, the defendant claimed that he remained in the basement where he eventually went to sleep. He said that he slept on a couch in the basement because it was too warm upstairs. According to the defendant, the decedent did not like the air conditioner on, so he resorted to sleeping in the basement. The defendant reported that on Friday August 12, 2011, he woke up around 4:00 a.m. and walked upstairs to his study to check his email. He claimed that at that time he still had no contact with the decedent. After checking his email, the defendant said he returned to the basement. He then claimed that at approximately 7:00 a.m., he left the house and went for his morning walk, returning to the house at approximately 7:50 a.m. According to the defendant, after not hearing or seeing the decedent during the morning, he went upstairs to check on her, found her unconscious on the bathroom floor, and called 911. The defendant said he did not touch the decedent upon finding her on the floor. Your affiant asked the defendant if he performed CPR on the decedent, and the defendant said that there was no need for CPR.

* The defendant said that the decedent did not have any enemies or problems with anyone, including himself. He reported that he and the decedent are the only ones with keys to the house. He reported that all doors to the house had locks, including the front door. He further reported that the front door's deadbolt and security chain were both engaged. The defendant confirmed that he did not observe any windows disturbed and that all window screens were intact. He said that he and the decedent were the only individuals in the house between 4:00 p.m. on August 11 and the time he called 911, and that during this entire time he never heard any noise, struggle, screams, or commotion.

* Detectives asked the defendant about the significant age difference (some forty-four years) between him and the 91-year-old decedent. He said that the marriage was "a marriage of convenience". The defendant said he did not have a formal job and that he was financially supported by the decedent, who provided the defendant with a monthly allowance which netted him \$2,000. However, he said that she recently decreased his monthly allowance to \$1,800.

* Detectives advised the defendant that the OCME forensic pathologist had ruled the decedent's death a homicide. The defendant wanted to know the cause of death. Detectives explained to him that they could not provide him with the cause of death. The defendant then asked for a time of death. Detectives told him that the forensic pathologist determined that the decedent had been killed within eight hours of the OCME Forensic Investigator's examination of the body. The defendant maintained that he had no involvement in the demise of the decedent.

* Your affiant told the defendant that he was aware of that there had been other incidents of domestic violence between the defendant and the decedent. Your affiant asked the defendant if there may have been an accident which caused the death of the decedent. D-1 firmly responded, "It wasn't an accident." Detectives confronted the defendant as to who else could be responsible for the decedent's death other than the defendant; his only explanation was that it must have been an intruder. Detectives reminded the defendant that the doors were locked during all times relevant to the death, and the defendant agreed. Detectives told the defendant that all the windows were locked as well, and when the defendant said that some of the windows were unlocked the detectives explained that all the screens were intact and nothing appeared to be disturbed, and the defendant agreed that there was no possible way anyone entered the house. The defendant then stated that there must have been an intruder if the decedent was murdered. Your affiant asked him, "How could they come in?" The defendant replied, "It's your job to investigate, not mine." Detectives asked the defendant, "Who would have a motive to come in to harm your wife?" The defendant replied, "I don't think anybody."

* The defendant again insisted that he wanted to know the time of death, stating, "I hope it is before 9:00 o'clock." and claiming that he was over a friend's house before 9:00 p.m. At one point, detectives exited the interview room, at which point the defendant repeatedly said to himself, "She has ruled it a murder" while rubbing his face.

* Detectives re-entered the interview room and gave the defendant a cup of coffee. The defendant stated, "It doesn't look good." He then asked your affiant, "The next question, is anything linking me to it in your mind?" The defendant then said, "And therefore the consequences are?" D-1 stated, "It doesn't look good for me though." Detectives asked if he would be willing to consent to provide a DNA sample. He initially agreed but then refused. The defendant

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confirmed that nothing was missing in the house other than a hat that belonged to the decedent.

The row house located at 3206 Q Street, Northwest, was secured on the evening of Saturday, August 13, 2011. On Sunday, August 14, 2011, detectives obtained and executed a search warrant at 3206 Q Street, Northwest. While conducting the search, your affiant found no signs of forced entry into the home of the decedent. The house is described as a two-level, brick row house with a basement. The front of the house has two separate entrances, one to the basement and one on the first level. Your affiant personally inspected all doors and windows in the basement and the first level of the house. The house has a back yard with thick vegetation. There is no rear alley and no walkway for pedestrian traffic. The basement has an entrance in the front and two doors in the rear. The two rear doors of the basement were both locked. Each rear door has a cast iron security door, and both were locked. All the basement windows were locked and have cast iron security bars. The first level of the house has an entrance door. There was no damage observed to the front door. The defendant had reported in his interview that the front door deadbolt and chain were engaged. There are two windows next to the front door. Both windows were locked. The rear of the first level has three windows. All three windows were unlocked, however nothing appeared to be disturbed. One window had cobwebs, suggesting that no one had opened the window for quite a while. The second window had thick vegetation growing around it which would make it virtually impossible for anyone to enter through the window. The third window had no obstruction, however it is 11'0" from the ground to the window and one would have to utilize a ladder to gain access to that window; no ladder was observed in the vicinity of this window.

On Sunday, August 14, 2011, detectives obtained a search warrant to collect evidence from the defendant items of evidence to include pulled and combed hair, cheek swabs (buccal swabs) for DNA (deoxyribonucleic acid) for comparison and to document and photograph the defendant's injuries. While executing the search warrant at 3206 Q Street, NW, the defendant approached your affiant. Your affiant told the defendant that we had obtained a search warrant for the defendant and provided him with the search warrant. The defendant reviewed the search warrant and he agreed to comply with the warrant. Your affiant escorted the defendant inside the first level of the house. He was afforded the opportunity to sit in the living room while your affiant awaited the arrival of the Mobile Crime technicians. The defendant asked your affiant, in the presence of several detectives, what evidence the police had to tie him to the murder. Your affiant told the defendant that the police had found DNA evidence on the decedent commonly referred to as "touch DNA." The defendant asked, "What is touch DNA?" Your affiant told the defendant that a person can transfer their skin cells to another individual by merely touching the individual. At that point, the defendant became visibly nervous, and stated that he "kissed" the decedent the night before he found her. He then asked if your affiant had DNA linking him to the decedent's murder. Your affiant told the defendant, "Yes." The defendant again said that he kissed the decedent the night before he found her, adding that he had touched the decedent's hand when he found her in the bathroom. Your affiant confronted the defendant about his inconsistent statements, as he previously stated that he never touched the decedent upon finding her body, but the defendant did not explain the discrepancy.

A short time later, evidence technicians arrived on the scene and executed the search warrant for evidence from the defendant. The defendant was observed to have several small scratches to the right side of his forehead and a small scratch to the left side of his forehead. Evidence technicians photographed the defendant's injuries and the defendant asked to view the photographs of the scratches. It was apparent to your affiant that the defendant was not aware of the scratches, and he appeared to be visibly shaken. He then explained that he sustained the scratches to his forehead when he ran into the kitchen door in the basement on Thursday night. The defendant also stated that he had sustained a chipped tooth from striking the kitchen door. Your affiant asked the defendant to show him the chipped tooth. The defendant claimed that his tooth was chipped on interior portion and it could not be seen. The defendant asked if he could demonstrate how he sustained the scratches. Based on your affiant's experience and observations of the scratches, it is your affiant's belief that the scratches are more consistent with another individual scratching the defendant rather than the defendant walking into a door.

A witness was interviewed and will be hereinafter referred to as W-1. W-1 reported that, after the decedent's remains were removed from the home, the defendant produced a letter to members of the decedent's family. The defendant represented that the letter was authored by the decedent. W-1 believed that the letter was dated August 11, 2011, and contained language stating that if something were to happen to the decedent, the decedent's family should pay the defendant \$150,000.00. Detectives recovered the letter at the time of the search warrant. The letter was dated April 11, 2011, and contained language instructing the executors of the decedent's will to provide the defendant with amount of \$150,000.00 and an additional \$50,000.00 dollars in the event the liquid assets in the decedent's estate exceeded the total amount of \$600,000.00. The letter bore a signature purporting to be the decedent's. Your affiant showed the letter to W-1, who then identified it as same the letter the defendant had presented. Your affiant asked W-1 if the signature on letter appeared to be genuine. W-1, who is well-acquainted with the decedent's signature, indicated that it was not the decedent's signature. W-

W-1 8/16/11 1925 hrs

1 reported that the defendant asked W-1 if he could continue to receive his monthly allowance of \$2,000. W-1 reported that throughout their 20-plus years of marriage, the defendant had a pattern of physical and verbal abuse against the decedent. W-1 advised there were multiple domestic violence incidents which occurred over a period of years.

A second witness was interviewed, hereinafter referred to as W-2. W-2 reported that, during more than twenty years of marriage, the defendant had a pattern of physical and verbal abuse against the decedent. W-2 advised there were multiple domestic violence incidents which occurred over a period of years. W-2 recalled an incident when the decedent called IT, frantically stating there had been an argument. The decedent told IT that the defendant had been physical with her. W-2 advised that when IT arrived at the house, IT observed broken furniture and dishes tossed and turned. W-2 advised it was apparent that a domestic incident had occurred. W-2 reported that the decedent said that she had been assaulted, and W-2 observed soup in the decedent's hair. W-2 advised the decedent told IT that the defendant had thrown at her what the decedent was eating and had assaulted her.

A third witness, hereinafter referred to as W-3, was located and formally interviewed. W-3 lives next to the decedent's home. W-3 reported that, on Friday, August 12, 2011, IT woke up around 3:30 a.m. W-3 referred to itself as light sleeper. W-3 reported that between 3:30 and 6:30 a.m. IT heard a faint cry followed by a "sinister" laugh. W-3 subsequently had a conversation with IT's neighbor to try to determine if the noise IT had heard had perhaps been the neighbor playing with his baby. The neighbor indicated that their baby had slept through the night, such that the noise could not have come from the neighbor's house. W-3 reported that IT knows what IT heard but does not know the source of the sounds. W-3 felt that it was important to report what it had heard to the police.

The defendant's known criminal history began in 1992, when he assaulted the decedent on April 1, 1992. He was charged with Simple Assault, and pled guilty on September 4, 1992. The defendant was sentenced to 365 days' confinement. On January 12, 2008, the defendant was arrested and charged with Assault With a Dangerous Weapon arising out of an incident in which it was alleged that he had assaulted the decedent with a wooden chair. However, the case was dismissed when the victim declined to go forward with the case.

Based on the facts set forth in this Affidavit it is requested that a D.C. Superior Court Arrest Warrant be issued for Albrecht Gero Muth.

AFFIANT'S SIGNATURE:

X

TO: WARRANT CLERK
PLEASE ISSUE A WARRANT FOR:

ALBRECHT GERO MUTH

Charge With:

SECOND DEGREE MURDER UNILAT ARMED

[Signature]
ASSISTANT UNITED STATES ATTORNEY

8/16/11
1925 hrs

SUBSCRIBED AND SWORN BEFORE ME THIS

16TH DAY OF August 20 11

[Signature]
(JUDGE) ~~DEPUTY CLERK~~ SUPERIOR COURT OF THE
DISTRICT OF COLUMBIA

CAF MS 8/16/11 1925 hrs